

Body Wearable Video Policy

(Parking/Civil Enforcement Officers)

Introduction

The purpose of this policy is to regulate the usage of Body Wearable Video Cameras by Cheshire West & Chester Council employees. Parking Enforcement Officers will use the cameras. Cheshire West & Chester Council is the Data Controller for all footage collected by these cameras and has complied with the CCTV Code of Practice from the Information Commissioner's Office.

This Policy sits beneath the Council's Data Protection Policy and is written in accordance with the Data Protection Act 1998.

Purpose

Body Wearable Video cameras have been authorised for use by the Council for the purposes of: -

- Ensuring staff safety
- Evidential purposes for dealing with complaints from the public

Operation of the Cameras

All staff using the cameras must have received Data Protection and Privacy awareness training before being authorised to use a camera in a live environment.

- Cameras **must** be turned on only as the operator deems it necessary in their professional judgement. This may be to issue a PCN or where they are subjected to physical or verbal abuse.
- Cameras **must not** be turned on and left to film for the entirety of a staff member's shift. As identified in the Privacy Impact Assessment and noted in the *Southampton City Council V ICO 2012* case. This is because sound and video cannot be turned off independently on the Council's cameras.
- Members of staff using BWV Cameras must wear appropriate Privacy Notices that inform members of the public that they may be being recorded.
- When engaging with a member of the public, the member of staff must introduce themselves and inform the member of the public that they are being filmed at the earliest opportunity.
- Cameras will only be activated without notification where the safety of officers or other individuals is at risk and it is not reasonably practicable to provide prior warning. Such usage will be reported by the officer at the time.
- Cameras must be docked and footage downloaded as soon as possible after use.

Access to Data

- Once members of staff dock their camera at the end of a shift, they will not have access to any footage.
- The Team Supervisor is the only member of staff that will have access to this footage.

- Footage will not be routinely viewed unless there is a specific need arises, for example, a complaint, arises.
- Should footage of an incident need to be saved as part of an investigation or complaint, the Team Supervisor can then access the system to save the footage for this purpose. The Team Supervisor must approve any request to store footage beyond the mandatory retention period and record their decision making.
- Footage that is required for an investigation or complaint must be exported from the My Witness Video Manager software and stored securely using the equipment provided by Edesix.
- If files are exported to disc, this disc must be password protected and stored securely in a locked cabinet.

Retention

- Footage is routinely stored for 31 days before being automatically deleted by My Witness Video Manager.
- New footage will overwrite the old footage and there is no archive facility.
- Where footage has been identified as necessary for use in a complaint, investigation or request for information, it will be kept until the purpose for keeping it has been fulfilled. This should be no longer than 40 days (beyond the 31 day retention period).

Disclosures

Subject Access Requests (SARs)

- When a Subject Access Request (request by an individual for their own personal data) it must be forwarded to the Council's Data Protection Team immediately.
- When the Parking Enforcement Team receives notice of a SAR from the Data Protection Team, they must immediately ensure that any relevant footage as specified by the requestor is exported so that it is not deleted within the 31 day retention period.
- The footage must be provided to the Data Protection Team on a password protected disc, no later than one working week after the request has been received.
- The Data Protection Team will make all decisions regarding disclosure and redaction of the footage.

Ad-Hoc Disclosures

Police Disclosure

- Where disclosing footage is necessary for the purposes of preventing or detecting crime, all requests should be referred to the Data Protection Team via dpawest@cheshirewestandchester.gov.uk
- All requests for information must be received in writing before information can be disclosed. The written request must be immediately forwarded to the DPA Team.
- Where the DPA Team receive the request first, they will inform the Parking Enforcement Team of this no later than one working week after it has arrived.

- When the Parking Enforcement Team receives notice of a Police request from the Data Protection Team, they must immediately ensure that any relevant footage as specified by the requestor is exported so that it is not deleted within the standard retention period.
- The footage must be provided to the Data Protection Team on a password protected disc, no later than one working week after the request has been received.
- The Data Protection Team will make all decisions regarding disclosure and redaction of the footage.

Other Requests (Section 35 & other exemptions)

- All requests for footage or information recorded by, or about, the cameras should be forwarded to the Data Protection Team as soon as they are received.
- Where specific exemptions apply or if disclosure is necessary, the Data Protection Team will make the decision and liaise with Parking Enforcement to decide how to proceed.

System Maintenance

- The BWV Cameras and associated software are provided by Edesix. Devices are encrypted and footage can only be downloaded using My Witness Video Manager software from Edesix.
- Each device can only be accessed by one specific computer, which was provided as part of the package bundle.
- The System Manager must ensure that all software updates are downloaded and installed as soon as they become available in order to ensure that adequate technical security is in place for this system.

Training

- Training will be provided to staff on how to use the cameras before they are deployed for operational use.
- A record must be kept of all staff who have received training and a member of staff must not be given a camera until they have received appropriate training.
- Training should be assessed on an annual basis to ensure it is still relevant and that all changes to the law or operating procedure have been fully implemented.
- Training will include Data Protection and Privacy awareness slides, provided by the Council's Data Protection Team.

Data Breaches

Any breach of this procedure or of the Data Protection Act must be reported the Council's Data Protection Team within 48 hours of being identified. All data breaches should be reported to Martin Waters, Senior Information Assurance Officer via dpo@cheshirewestandchester.gov.uk

- Shift Supervisors must take responsibility for ensuring that their members of staff comply with this policy at all times.

- It is incumbent on all staff to take responsibility for their actions and as such, accept that any deliberate or knowingly illegal contraventions of this procedure will lead to further disciplinary action.